

ENTERED

October 06, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

CARLOS H. GONZALEZ	§	
	§	
VS.	§	CIVIL ACTION NO. 5:22-CV-116
	§	
ZAPATA COUNTY <i>et al.</i> ,	§	

ORDER

Plaintiff Carlos H. Gonzalez has filed a stipulation for the dismissal with prejudice of Plaintiff's claims against Defendants Karran Westerman and Falcon Publications of Zapata, Inc., d/b/a Zapata County News. (Dkt. No. 49).

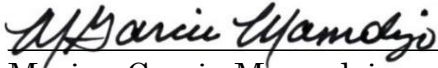
Parties in a civil suit may generally dismiss claims without a court order upon filing a stipulation of dismissal "signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii). Rule 41(a) allows a plaintiff to dismiss an action against some, but not all, defendants. *Williams v. Seidenbach*, 958 F.3d 341, 345 (5th Cir. 2020). Rule 41(a) is subject to limitations in class action suits, shareholder derivative suits, and suits where the Court has appointed a receiver. Fed. R. Civ. P. 41(a)(1)(A). Here, all relevant parties signed the stipulation, and none of the above limitations apply (Dkt. No. 49). Thus, the stipulation's filing automatically dismissed with prejudice Plaintiff's claims against Defendants Westerman and Zapata County News. *See Defense Distributed v. U.S. Dep't of State*, 947 F.3d 870, 873 (5th Cir. 2020).

Given the foregoing, the Clerk of Court is **DIRECTED** to **TERMINATE** Defendants Karran Westerman and Zapata County News from this civil action. Plaintiff's claims against Zapata County, Sheriff Ray Del Bosque, Jr., Joe Peña, and

Jaime Rene Rivera remain pending.

It is so **ORDERED**.

SIGNED October 6, 2023.


Marina Garcia Marmolejo
United States District Judge